THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.24694 of 2005

Date:22.11.2005

Adapa Satyanarayana.

--------PETITIONER

The Additional Agent to the Government, E.G.District and others.

---------RESPONDENTS

ORDER:

The petitioner is working as an Associate Professor in the first respondent-University. He was sanctioned a special increment, on account of the fact that he has undergone family planning. As of now, a sum of Rs.420/- is treated as personal pay for the petitioner.

The 3rd respondent addressed a letter, dated 30.10.2005, to the petitioner and two others, directing them to explain with reference to the special pays allowed to them. On receipt of the same, the petitioner submitted his explanation on 15.11.2005. The petitioner contended that no final orders have been passed at any level, in relation to his personal pay. The grievance of the petitioner is that even before any orders are passed by the University, the personal pay has been denied to him with effect from October 2005.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the University.

A perusal of the letter, dated 30.10.2005, addressed by the 3rd respondent discloses that the petitioner was required to submit reply in relation to the family planning increment allowed to him. On receipt of the same, the petitioner

submitted his explanation on 15.11.2005. The 3rd respondent was under obligation to pass an order, duly taking into account, the explanation submitted by the petitioner. It is only after passing any final order that the respondents could have effected any deductions from the salary. Unilateral deduction without passing any order amounts to imposition of semblance of penalty without conducting any enquiry.

Therefore, the Writ Petition is allowed and the respondents are directed not to deny the personal pay of the petitioner allowed to him, on account of his undergoing family planning, unless any specific written order is passed in that regard. There shall be no order as to costs.

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22.11.2005

Note: Issue C.C. in two days.

(B/o)

Jsu